

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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YH LEX ESTATES LLC, :
: Plaintiff, :
: :
: -against- :
: : Adv. Pro. No. 22-01077 (JLG)
NIR MEIR, RANEE A. BARTOLACCI, and :
ERMITAGE ONE, LLC, :
: Defendants. :
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ORDER REMANDING PROCEEDING TO NEW YORK STATE SUPREME COURT

Upon the *Memorandum of Law in Support of YH Lex Estates LLC's Emergency Motion for an Order of Remand* (the “Remand Motion”) and the supporting *Declaration of Mark Hatch-Miller* (the “Hatch-Miller Declaration”) [See ECF Nos. 8 & 9], which were filed on April 8, 2022 by Plaintiff YH Lex Estates LLC (“YH”) in the above-captioned adversary proceeding; and upon the *Order to Show Cause Why Proceeding Should Not be Remanded to New York State Supreme Court* (the “Order to Show Cause”) [See ECF No. 10], dated April 11, 2022; and upon the *Declaration of Robert L. Rattet in Opposition to Plaintiff's Motion to Remand Removed Proceeding to Supreme Court, New York County* (the “Rattet Declaration”) and the *Memorandum of Law in Opposition to Plaintiff's Motion to Remand Removed Proceeding to Supreme Court, New York County* (the “Meir Opposition”) [See ECF Nos. 20 & 21]; and upon the *Declaration of Pankaj Malik in Opposition to Plaintiff's Motion to Remand Removed Proceeding to Supreme Court, New York County* (the “Malik Declaration”) and the *Memorandum of Law in Opposition to Plaintiff's Motion* (the “Bartolacci/Ermitage Opposition”) [See ECF Nos. 23 & 24], each filed on April 14, 2022; and upon *YH Lex Estates, LLC's Reply to Defendants' Oppositions to Plaintiff's Motion to Remand Removed Proceeding to Supreme Court, New York County* (the “Reply”) [See. ECF No. 28], filed

on April 18, 2022; and upon the *Sur-Reply of Nir Meir in Further Opposition to Plaintiff's Motion to Remand Removed Proceeding to Supreme Court, New York County* (the “Sur-Reply”) [See ECF No. 30], filed on April 19, 2022; and upon the consent of George L. Miller (the “Trustee”), the Chapter 7 Trustee of the bankruptcy estates of EAM 40 Meadow Lane LLC and EZL 40 Meadow Lane LLC, which cases are pending in the United States Bankruptcy Court for the District of Delaware, as Case Nos. 22-10293 and 22-10294, respectively, Judge Brendan L. Shannon, presiding (the “Bankruptcy Cases”), as set forth in the *Stipulation and Order Between and Among the Chapter 7 Trustee and YH Lex Estates LLC Resolving Procedural Posture and Clarifying Roles and Recovery with Respect to Certain Litigation Claims* (the “Stipulation”); and upon the hearing held before this Court on April 22, 2022 (the “Hearing”), the record of which is incorporated herein by reference; and the Court having jurisdiction to consider the Remand Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Remand Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being properly before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Remand Motion and the Order to Show Cause having been provided; and the Court having found and determined that the relief sought in the Remand Motion is appropriate and in the best interests of the parties in interest; and that the legal and factual bases set forth in the Remand Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor **and for the reasons set forth on the record at the Hearing**,

[JLG]

IT IS HEREBY ORDERED THAT:

1. The Remand Motion is granted.

2. The above-captioned proceeding shall be immediately remanded to the Supreme Court for the State of New York and shall continue as a special proceeding under the caption under which it was initially filed, *YH Lex Estates LLC v. Nir Meir, Ranee A. Bartolacci and Ermitage One, LLC*, Index No. 151267/2022 (Sup. Ct. N.Y. Cty.), Justice Joel M. Cohen presiding (the “Proceeding”).

3. This Court does not ~~hereby~~ modify or extend, any scheduling or other orders entered by the Supreme Court prior to removal, other than those deadlines with respect to Defendants Bartolacci and Ermitage’s deadline to oppose summary judgement and to commence Defendant Bartolacci’s deposition, as set forth by the Court at the **telephonic** conference held on April 14, 2022. **[JLG]**

4. YH and the Trustee are authorized and empowered to take all steps and to take all such action necessary to implement the terms of this Order.

5. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order; however, the adversary proceeding shall be closed by the clerk of the Court immediately upon remand of the proceeding to the Supreme Court.

Dated: New York, New York
April 22, 2022

/s/ *James L. Garrity, Jr.*

HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE